



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 2847-00

13 October 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 27 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 2 December 1948 for three years at age 17. The record reflects that you were advanced to AA (E-2) and served for more than seven months without incident. However, during the 32 month period from July 1949 to March 1952 you received six nonjudicial punishments (NJP) and were convicted by a summary court-martial. Your offenses consisted of absence from duty section muster, sleeping on watch, intoxication, three instances of unauthorized absence (UA) totalling about eight days, and missing movement.

On 9 May 1952 you were convicted by a special court-martial of stealing a black negligee and a pair of nylon underwear, the total value of about \$11. You were sentenced to a reduction in rate to AR (E-1) and a bad conduct discharge. The Navy Board of Review affirmed the findings and the sentence on 2 July 1952. You received a seventh NJP for a three day period of UA on 13 August 1952, and the bad conduct discharge was executed on 13 October 1952.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been 48 years since you were discharged. The Board noted your contention that you had almost completed your three year enlistment when the President extended your enlistment for another year, and you did "all you could to get thrown out." The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of seven NJPs and convictions by a summary court-martial and a special court-martial. The Board believed that the nine disciplinary actions demonstrated a willful disregard for Navy discipline and supports your contention that you were doing everything possible in order to be discharged. The Board is not sympathetic to individuals who take such actions to be discharged. While you now realize you made some unwise choices 48 years ago, that does not provide a valid basis for recharacterizing your discharge. Your conviction and discharge were effected in accordance with applicable law and regulations, and the discharge appropriately characterizes your service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director